IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG.) NO.2445 OF 2004

Nikesh Keshav Gokhale ..Petitioner.

Vs.

M/s. Container Corporation of India Ltd. & anr. ..Respondents.

....

Mr. Arshad Shaikh i/b Mr. Umesh Desai for the petitioner.

CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

14th October, 2004.

P.C. :

1. We have heard learned counsel for the petitioner.

2. The petitioner has challenged the order passed by Container Corporation of India Limited on 16th August, 2004. In the said order paragraph 9 reads thus :

> "It is thus apparent that you have procured the said letter of offer of appointment on false and misleading statements in your application for recruitment and by deliberate misrepresentation in respect of your date of birth and caste knowing fully well that had you stated the correct date of birth you would be ineligible for appointment. We have been misled. It is not proper that we should employ you on the basis of such mis-statements. We will be unable to repose any faith in your work in our organisation since at the very

> threshhold you have misled us. In light of the aforesaid facts, our said letter No.WR/MRO/ HR/RECTT/ SR. ASSTT(C&O)/ 1097 dated July 20, 2004 is hereby recalled and cancelled, which please note."

3. It is thus apparent that the petitioner had procured the said letter of offer of appointment on false and misleading statements in his application for recruitment and by deliberate misrepresentation in respect of date of birth and caste, knowing fully well that if he would have stated the correct date of birth, he would be ineligible for appointment.

4. It is further stated in the order that the respondents have been misled and it is not proper that they would employ the petitioner on the basis of such mis-statements. The respondents will be unable to repose any faith in the petitioner's work in their organization since at the very threshold the petitioner had misled them. In the light of the aforesaid facts, the letter dated 20th July, 2004 was recalled and cancelled.

5. We see no reason to interfere with the impugned order in the exercise of our extra ordinary jurisdiction under Article 226 of the Constitution. The petition, being devoid of any merit, is dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.